

2022 SARA Title III/EPCRA Reporting

Division of Land Protection and Revitalization

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SARA Title III or the Emergency Planning and Community Right-to-Know Act (EPCRA)

- Signed in to law on October 17, 1986 as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986
- Also known as Emergency Planning and Community Right-to-Know Act (EPCRA)
- Why was SARA Title III enacted?
 - 1984 Bhopal (India) Incident Methyl Isocyanate Gas Release 2,500 deaths; tens of thousands injured.
- Purpose:
 - To create a cooperative relationship among the government, businesses, and the public and involving all of them in the effort to prevent, plan, and prepare for, and manage chemical emergencies.



SARA Title III – Enforcement & Compliance

- In Virginia, the enforcement authority resides with the United States Environmental Protection Agency (EPA)
- Local Emergency Planning Committees (LEPCs) or local fire department authority may request additional information for LEPC planning purposes or on behalf of its citizens.



SARA Title III – EPCRA Reporting Programs

- Section 302 Emergency Planning Notification
- Section 304 Emergency Release Notification
- Section 311 Safety Data Sheet (SDS) Submission
- Section 312 Emergency and Hazardous Chemical Inventory (Tier II Reports)
- Section 313 Toxic Chemical Release Inventory (Not covered in this webinar)



Section 302 – Emergency Planning Notification

- A facility is required to send a one-time written notification to the VERC and its jurisdictional LEPC, if:
 - An extremely hazardous substance (EHS) is present at any one time, and
 - The amount is equal to or greater than the applicable threshold planning quantity (TPQ)
- Federal Regulation: [40 CFR, Part 355, Section 30]
- TPQs for EHSs can be one of 1, 10, 100, 500, or 1000 lbs.
 - EPA List of Lists
 - Currently 356 EHSs listed based on toxicity, reactivity, volatility, dispersability, combustibility, or flammability
 - EHSs can be added or delisted by either research or by petition to the EPA



Section 304 – Emergency Release Notification

- A facility is required to provide notification of any release to the VERC, if:
 - The material released is an EHS or a CERCLA hazardous substance, and
 - The amount is equal to or greater than the applicable reportable quantity (RQ)
- Federal Regulation: [40 CFR, Part 355, Section 40]
- Currently, about 800 specifically-designated and listed Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) hazardous substances.



Section 304 – Notification Exemptions

Notification Exemptions:

- 1.Releases which result in exposure solely on-site
- 2. Federally permitted releases
- 3. Continuous releases
- 4. Releases of certain pesticide products under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- 5.CERCLA exempt releases Section 101(22)
- 6.Radionuclides naturally-occurring or related to coal handling at utility and industrial facilities
- 7. Solid metals
- 8. Facilities that handle no hazardous chemicals



Section 304 – Notification Mechanism

Provide immediate notification to:

1. For EHSs only:

- Local Fire Department
- LEPC
- Virginia Department of Emergency Management (VDEM) (1-800-468-8892)

2. For CERCLA hazardous substances:

- Local Fire Department
- LEPC
- VDEM (1-800-468-8892)
- National Response Center (NRC) operated by the U.S. Coast Guard (1-800-424-8802)



Section 304 – Initial Notification Mechanism

Content of Verbal or Written Initial Notification:

- 1.Chemical identification/name and if it is an EHS
- 2. Estimated quantity of release
- 3. Time and duration of release
- 4. Medium/media into which release occurred
- 5. Known/anticipated acute or chronic health risks and advice on medical attention necessary for exposed individuals
- 6. Proper precaution/evacuation to take
- 7. Name and contact information of person(s) to be contacted for more information



Section 304 – Follow-Up Notification Mechanism

Written Follow-up Notification to the LEPC and State (VERC):

- 1.Name of the organization and person contacted during initial notification including time of notification
- 2. Update of initial information
- 3. Actions taken to respond to and contain the release
- 4. Any known/anticipated acute or chronic health risks associated with the release
- 5. Advice regarding medical attention necessary for exposed individuals



Section 311 – SDS Submission

- A facility that stores uses or produces chemicals requiring Safety Data Sheets (SDSs) under the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard, that equal or exceed the threshold quantity must report
- Submit a copy of SDS for each hazardous chemical or submit a list of hazardous chemicals for which an SDS is present
- Reporting includes an initial submission and periodic updates:
 - Initial submission and updates should be submitted within 3 months of the receipt of a new hazardous chemical, or the chemical exceeding the threshold

Section 312 – Tier II Reports

- Who should report?
 - A facility is required to submit a Tier II report if a SDS hazardous chemical is present at any one time during the reporting year in amounts equal to or greater than the minimum threshold limits.
- Reporting Deadline:
 - Reports are due March 1 for the previous calendar year.
- Purpose:
 - To provide State and local officials and the public with specific information on hazardous chemicals present at a facility during the preceding year.
- Who to report to:
 - Virginia Emergency Response Council (VERC) c/o of Virginia DEQ
 - Local Emergency Planning Committee (LEPC)
 - LEPC list on DEQ website
 - Local Fire Department



EPCRA Exempt Chemicals

EPCRA-Specific Exemptions:

- 1.The FDA Exemption
- 2. Solids in manufactured items
- 3. Consumer products
- 4.Laboratory chemicals
- 5. Agricultural chemicals
- 6.Retail gas station in compliance with Underground Storage Tank (UST) regulations storing gasoline and diesel fuel entirely underground

See 40 CFR Part 370 for more info



OSHA Exempt Chemicals

The OSHA Exemptions:

- 1. Hazardous wastes regulated by RCRA
- 2. Tobacco or tobacco products
- 3. Wood or wood products
- 4. Manufactured items
- 5. Food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to public
- 6. Food drugs or cosmetics intended for personal consumption by employees while in the workplace.
- 7. Consumer products when used in the workplace
- 8. Any drugs in solid, final form for direct administration to a patient

Reporting Lithium-Ion Batteries

- Lithium-ion batteries require an MSDS due to their propensity to leak, spill, or break during normal use
- Since they require an MSDS, facility owners with lithium-ion batteries are required MSDS and Tier II if threshold is met
- Some smaller batteries may be exempt under the Consumer Product Exemption (40 CFR 370.13(c)(1))
 - This exemption would not apply to any large commercial type batteries that are not available for purchase or use by the general public
- For more information, visit the EPA Guidelines on Lithium-Ion Batteries <u>here</u>



Section 311 & 312 – Reporting Thresholds

- Extremely Hazardous Substances:
 - Greater than or equal to 500 lbs (or the individual chemical's threshold planning quantity (TPQ), whichever is less, at any one time
- Hazardous Substances:
 - Greater than or equal to 10,000 lbs at any one time
- De minimis concentration
 - Equal to or less than 1% of weight for hazardous chemicals or 0.1% for EHS carcinogens

NOTE: Diesel and Gasoline thresholds are different for RETAIL GAS STATIONS, see

40 CFR Part 370 Section 10

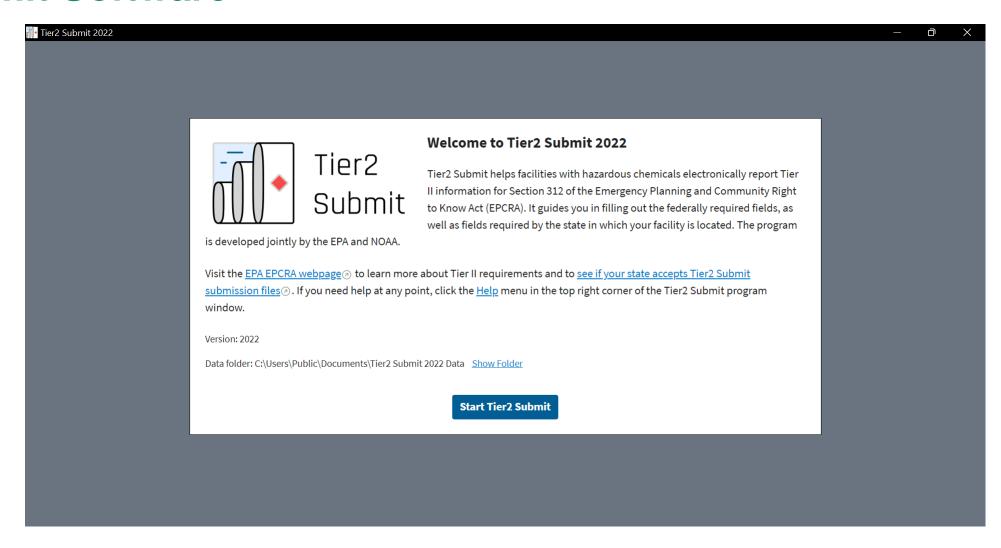
Tier II Reporting Goals

- Reporting Tools:
 - How to correctly prepare a 2022 Tier II report
 - Tier2 Submit software and EPA Form No. 8700-30
- DEQ's Reporting Options:
 - 3 options:
 - Generate an electronic .t2s file and email it to DEQ along with a certification letter (preferred)
 - Generate a PDF, sign and email it to DEQ
 - Print a hard copy, sign and mail it to DEQ
- Reporting Deadline:
 - March 1st, 2023
 - Reports need to be submitted on or before March 1st even if the reporting deadline falls on a weekend. In order to be considered submitted, Tier II forms must be postmarked by March 1st.



Tier2Submit Software

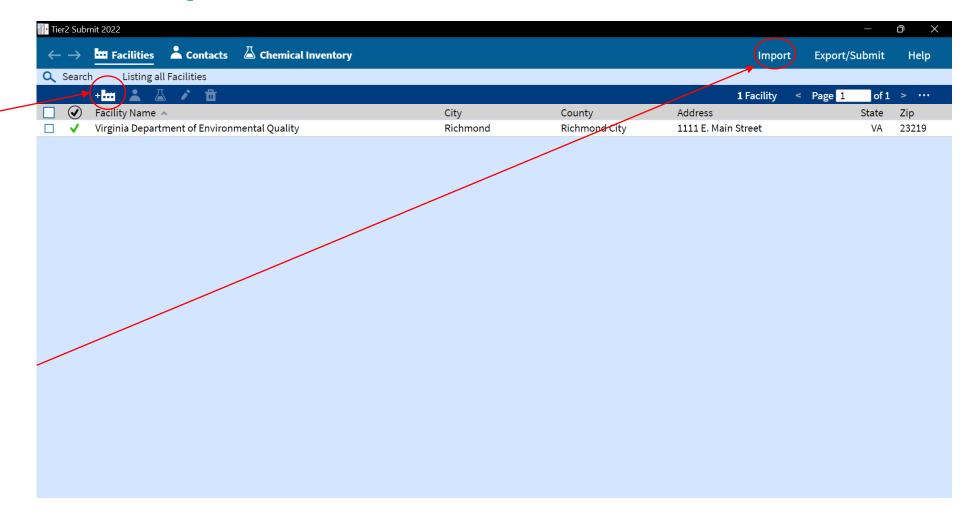
 Start the Tier2Submit Software





Creating a Tier II Report

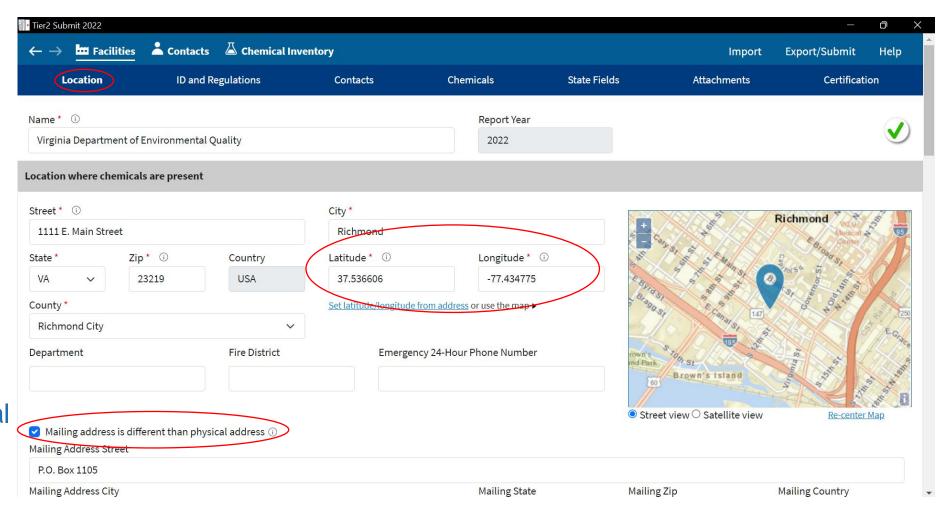
- 2 Options:
 - Create a new report
 - Import
 Previous
 Tier II
 report and make
 necessary
 updates





Facility Location Information

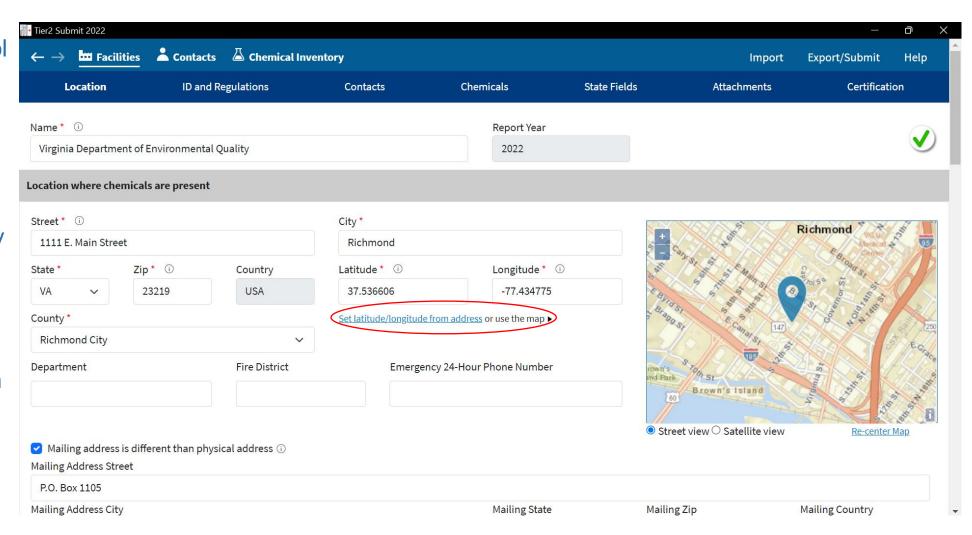
- Enter information on the facility and it's physical location
- Longitude and Latitude can now be found using tools under the longitude and latitude boxes
- Longitude is always negative for facilities in Virginia
- Values can also be found using Google Maps
- If Mailing Address is different than physical address, check the box at the bottom of the location tab





Facility Location Information Continued

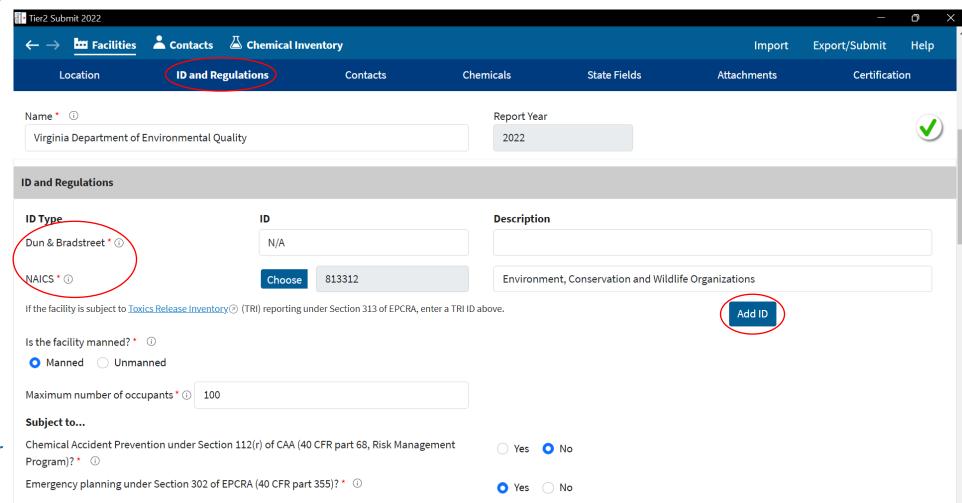
- Longitude/Latitude tool will automatically populate the Longitude/Latitude fields based off physical address
 - It will also show where your facility is located on the provided map for confirmation
- Checking Mailing address box at bottom will add additional fields





ID and Regs Section

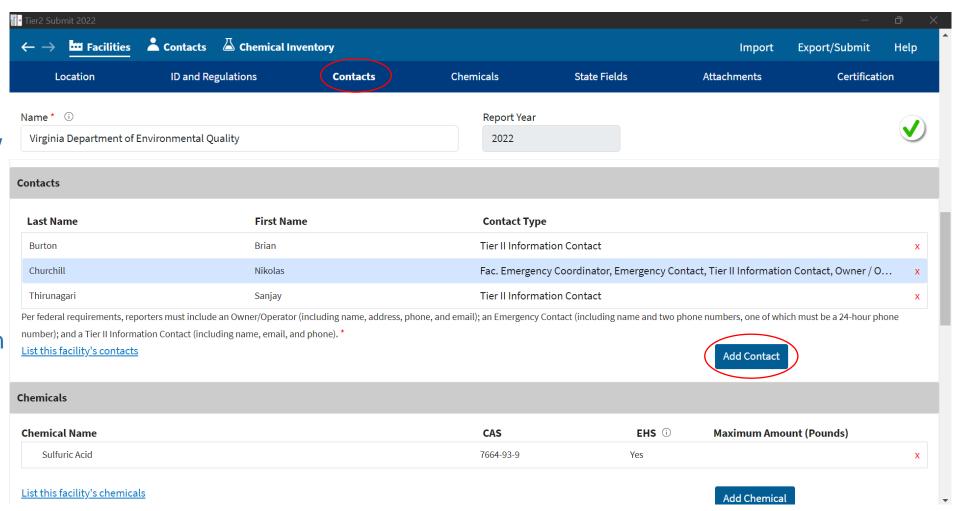
- To get to this section, scroll down or select "ID and Regulations" at the top
- Enter the facility's Dun & Bradstreet ID and the NAICS ID
 - If the facility doesn't have a Dun & Bradstreet ID, enter "N/A"
- If the facility is manned, enter the max number of occupants
- If unmanned, enter 0
- If your facility is subject to Section 112(r) of the Clean Air Act (CAA), enter the RMP Facility ID using the "Add ID" function
- Facilities that have an EHS present in quantities greater than the threshold, are subject to Section 302.





Contacts Section

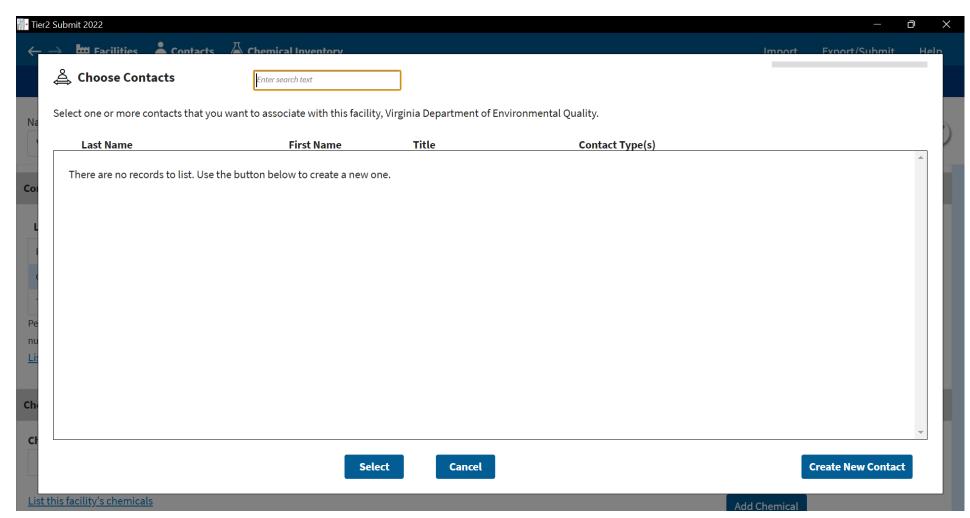
- To get to this section, scroll down or select "Contacts" at the top
- Click on "Add Contact" to add a new contact
- 4 types of contacts need to be listed:
 - Owner/Operator
 - Facility Emergency Coordinator (if applicable – Section 302)
 - Tier II Information Contact
 - 2 Emergency Contacts





Adding a Contact

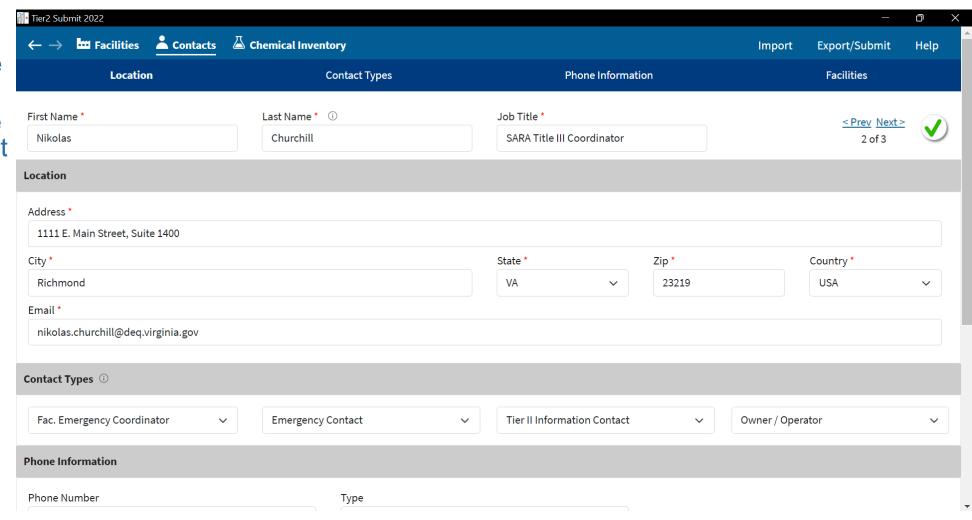
- This screen will pop up after you click on "Add Contact"
- Click on "Create New Contact" to add a new contact
- Click on "Select" if you already have an existing contact on the list
 - Note: You must click on the contact from the list and then click "Select" to add your desired contact





Adding a New Contact: Part 1

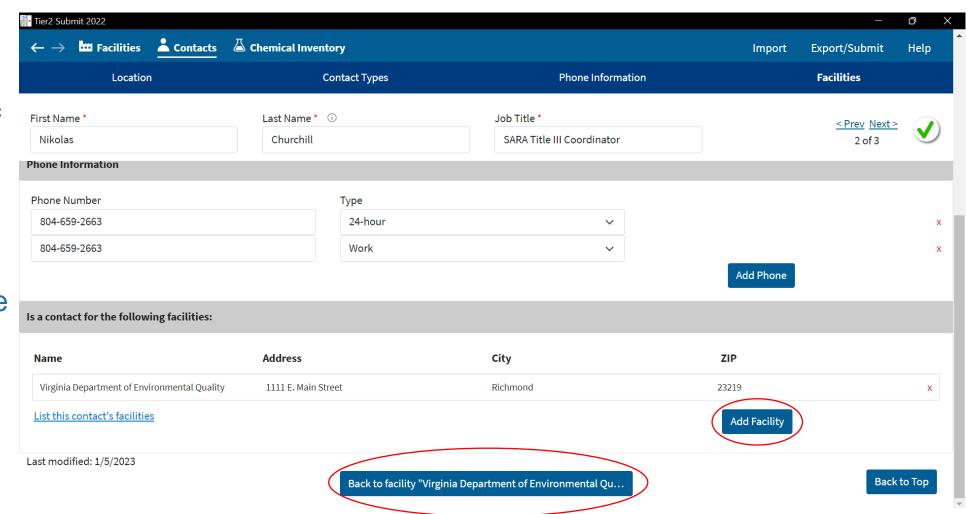
- Enter the contact information for your specific contact type
 - If the contact falls under more than one contact type, select all applicable fields from drop down menu
- For emergency contacts, a 24-hour phone number is required
- Enter a valid email for the contact
 - Ensure that the email is accurate and has no typos





Adding a New Contact: Part 2

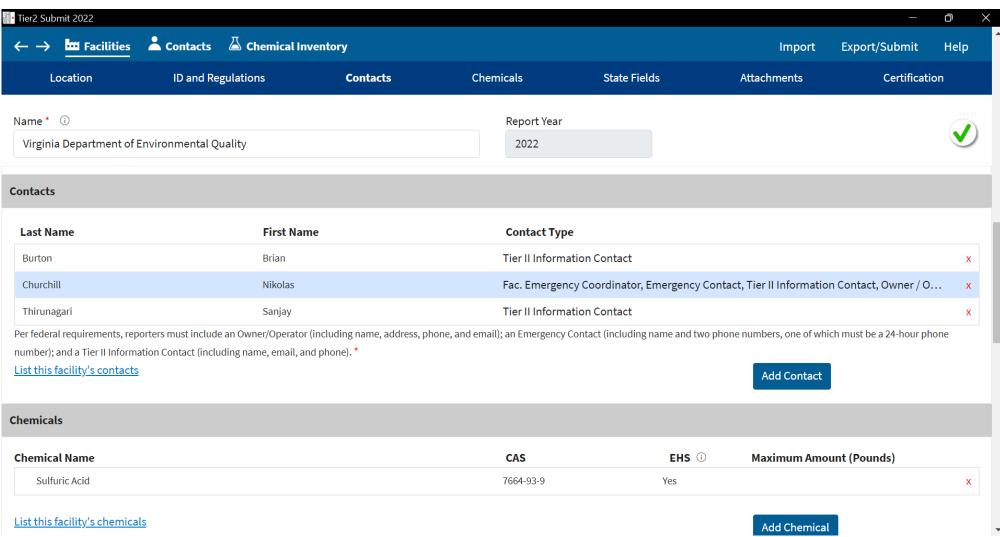
- Further down the page, you will be given the option to assign this contact to other facilities, if applicable
 - To do this, click the "add facility" button on the bottom of the page
- Once you are done with this contact, click "Back to facility". This will bring you back to the beginning of the Contacts Section (Screenshot listed in next slide)





Adding a New Contact: Part 3

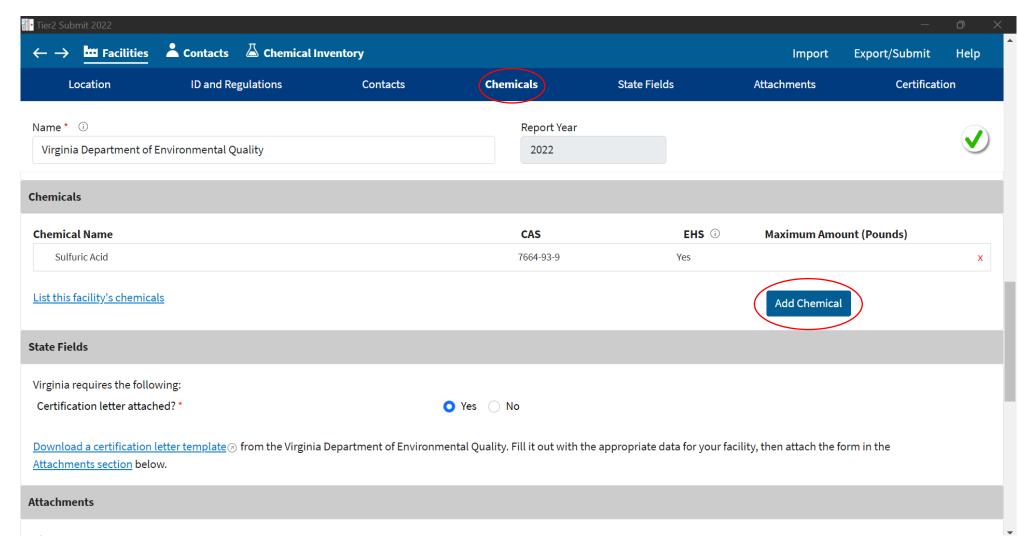
 If additional contacts are required, repeat this process for each contact by clicking "Add Contact"





Adding a New Chemical: Step 1

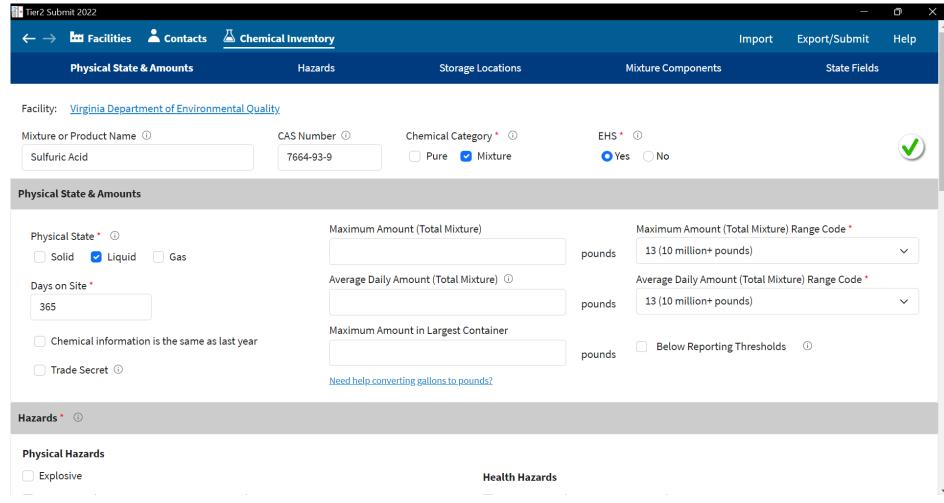
- To get to this section, scroll down or select "Chemical s" at the top
- Then Click "Add Chemical"





Adding a New Chemical: Step 2 (Physical State & Amounts, Hazards)

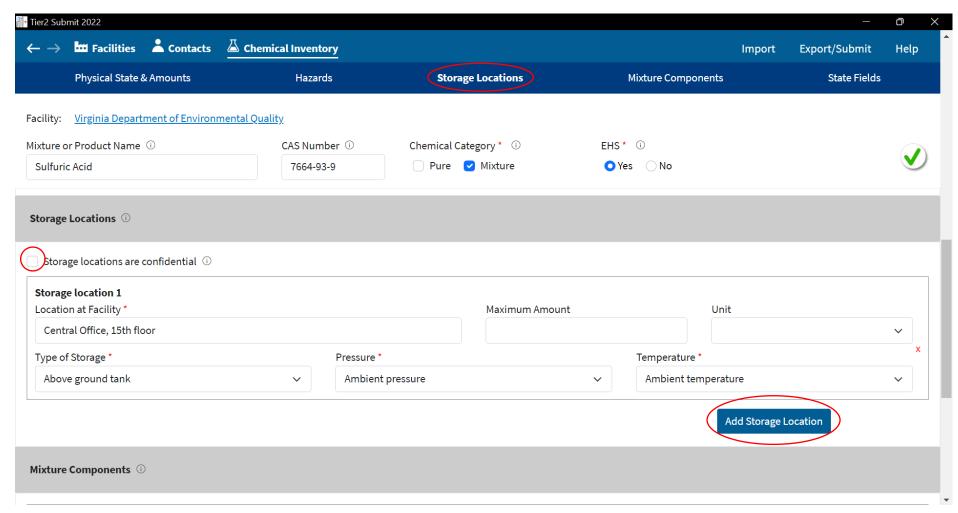
- The entry starts with the "Physical State & Amounts" and "Hazards" sections
- Enter the chemical name, corresponding CAS #, physical state, associated hazards, and health effects
- Enter the number of days the chemical is stored on site
- Enter the maximum and average daily amounts and/or range codes





Adding a New Chemical: Step 3 (Storage Locations)

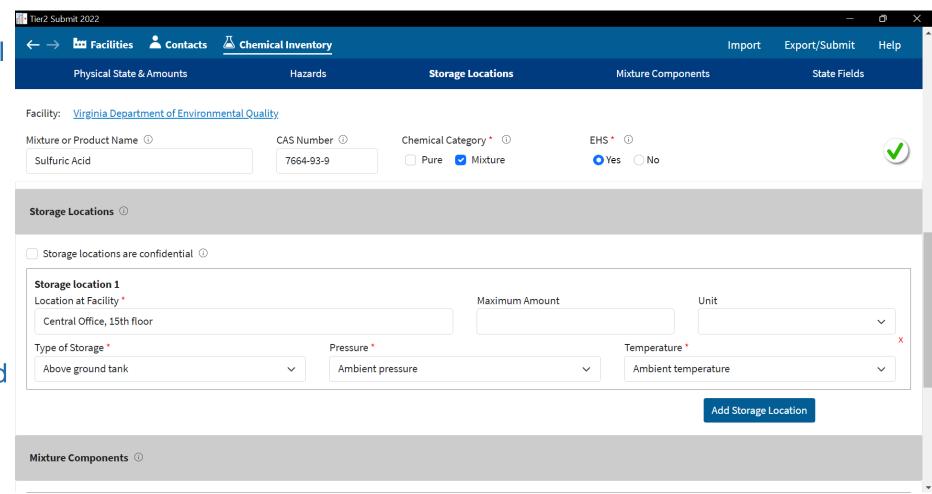
- Next, is the Storage Locations Section
 - To get here, you can scroll down from "Hazards" or you can click the label that says "Storage Locations" at the top of the Screen
- To add a new location, click "Add Storage Location"
 - If the location is confidential, click the box that says "Storage location is confidential" before adding a storage location





Adding a New Chemical: Step 3 (Storage Locations, Cont'd)

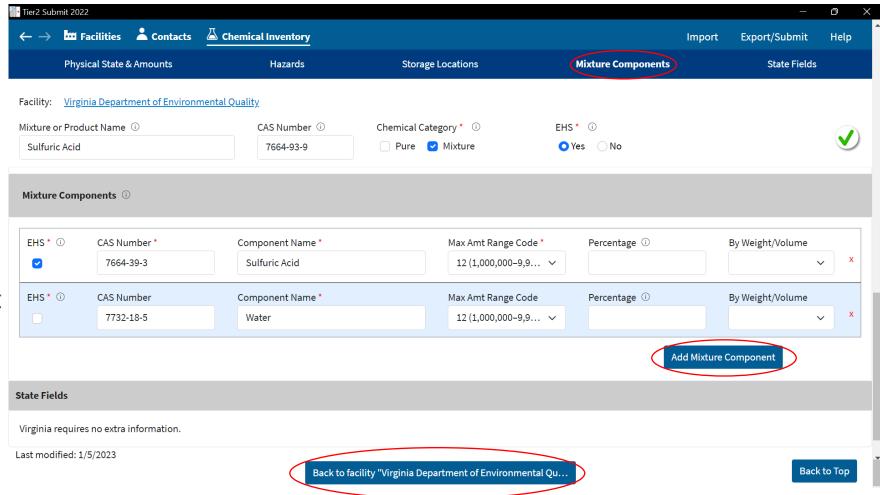
- Describe the exact location of the chemical stored at the facility
- Enter the maximum amount stored at that specific location and select the applicable units from the drop down menu
- Select the "Type of Storage" from the drop down menu
- Select the pressure and temperature at which the chemicals are stored from the options in their respective drop down menus





Adding a New Chemical: Step 4 (Mixture Components)

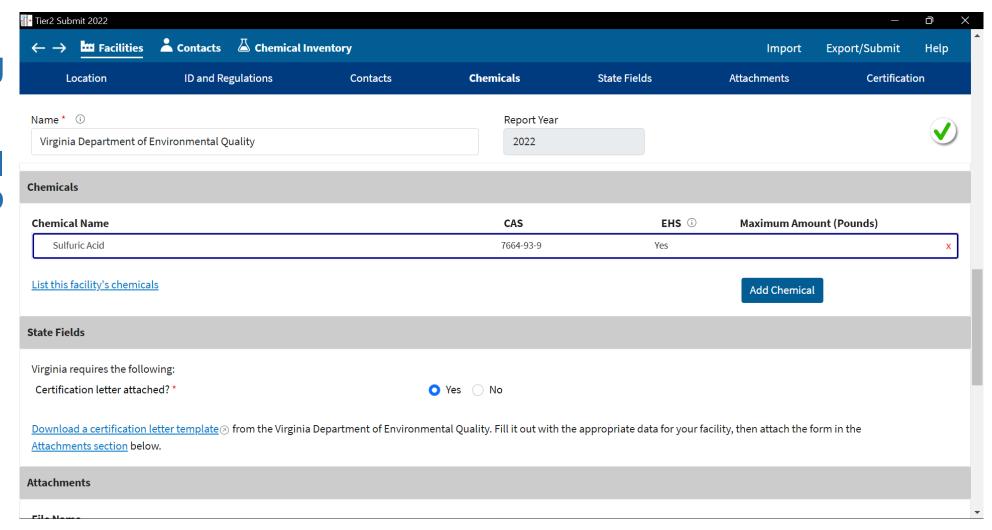
- If the chemical is a mixture, its components should be listed here
- To get here, scroll down from "Storage Locations" or select the "Mixture Components" label at the top
- Click the "Add Mixture Component" button
- Enter the max code (depending on the amount of chemical stored)
- Enter the %weight or %volume of the component in the mixture
- Once you are done with this chemical entry, click the "Back to Facility" button at the bottom





Adding more Chemicals

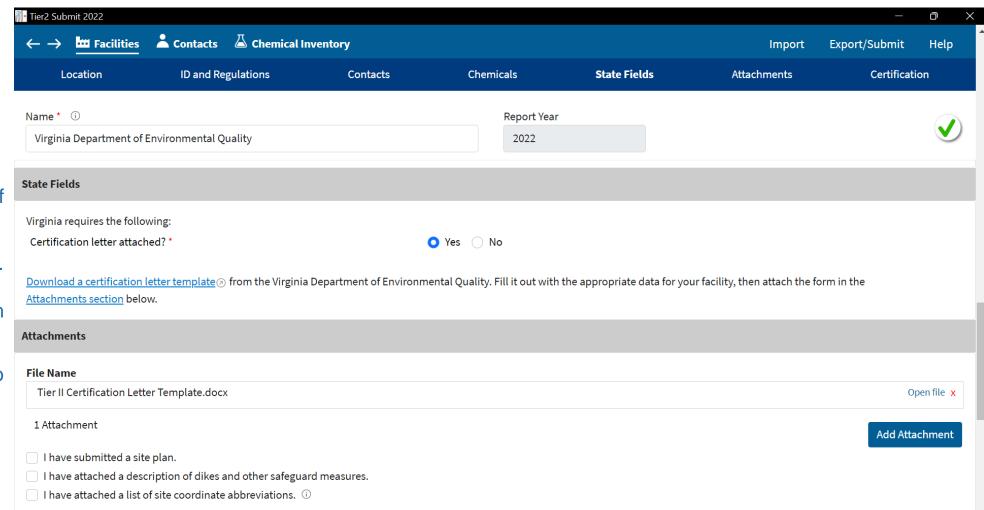
- Once you are done entering your first chemical, your entry will look similar to this screenshot
- To add another chemical, click "Add Chemical" and repeat these Steps





State Fields & Attachments Section

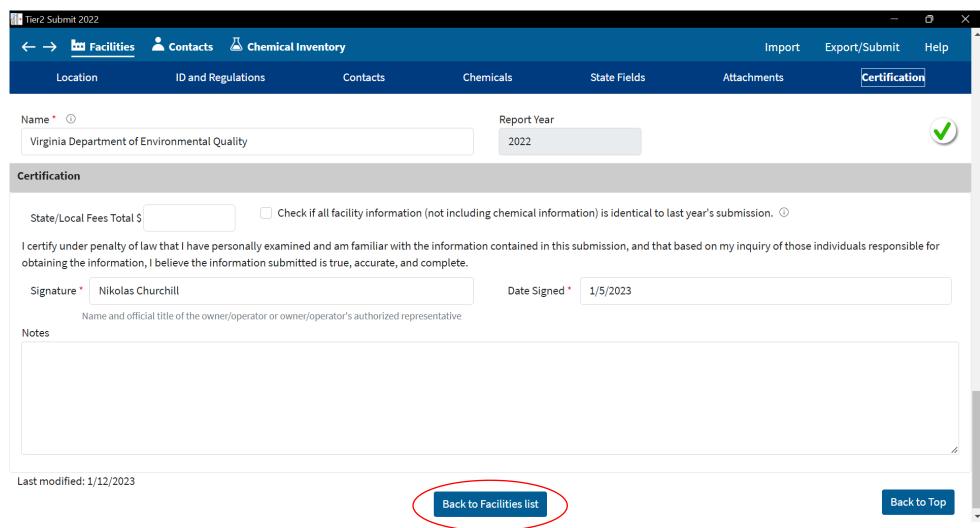
- To get to these sections, scroll down or select "Attachments" or "State Fields" at the top
- Attach your certification letter in the attachment section!!
- In addition, attach any site plans, descriptions of dikes and other safeguard measures, and/or lists of site coordinate abbreviations.
- Click "Add a File" and select the document from the source to add it to your submission
- You will not be allowed to create a .t2s file until you check "Yes" to "Certification Letter Attached?" in the State Fields section and you have attached your certification letter in the Attachments Section





Report Certification

- To get to this section, scroll down or select "Certification" at the top of the screen
- Enter the date the report was signed
- The Commonwealth of Virginia has no fees for filing Tier II reports
- Once the report is certified and complete, click "Back to Facilities list"



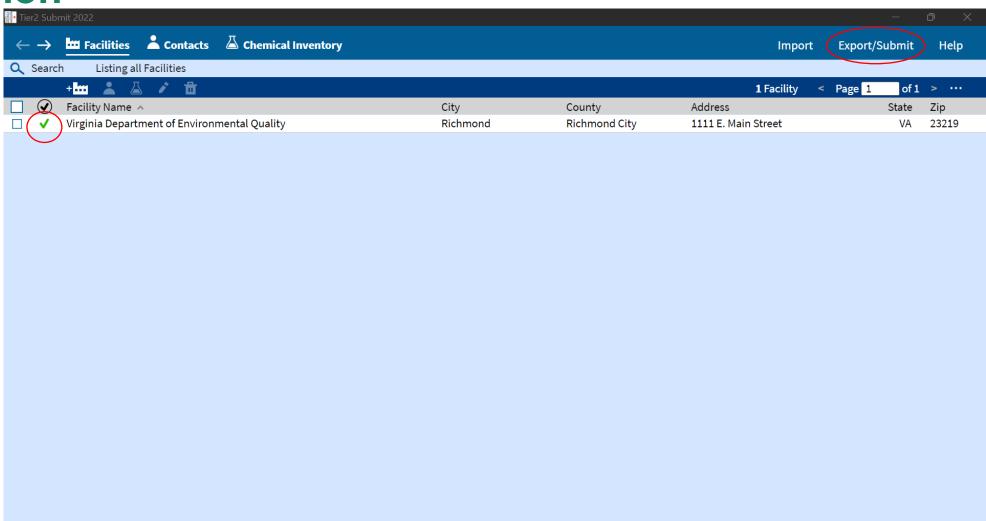


Submission Process

- First Step: Creating the report (already done at this point in the presentation)
- 2. Second Step: Creating the report file (.t2s format)
- **3. Third Step**: Submit the report file to the Virginia DEQ, LEPC, and Local Fire Department (**NOTE: LEPC's and Local Fire Departments have varying instructions for submission. Please contact them directly if you have questions about their submission process)

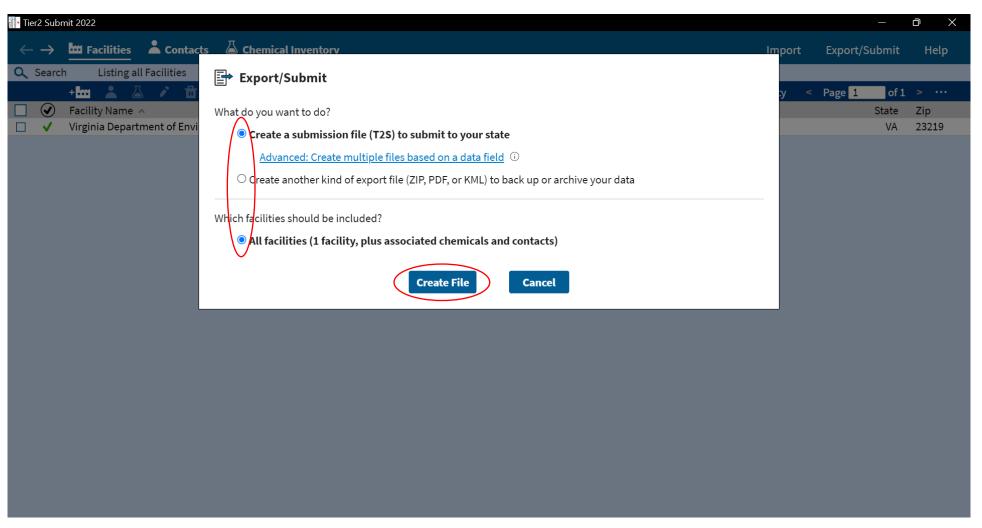
Validation/ Submission

- Tier2Submit 2022 validates the report automatically, while it is being made
- Therefore, if the green check mark shows next to the facility name, that means the report is valid for submission
- To create your submission file, select "Export/Submit" in the top right corner



Creating a Submission File

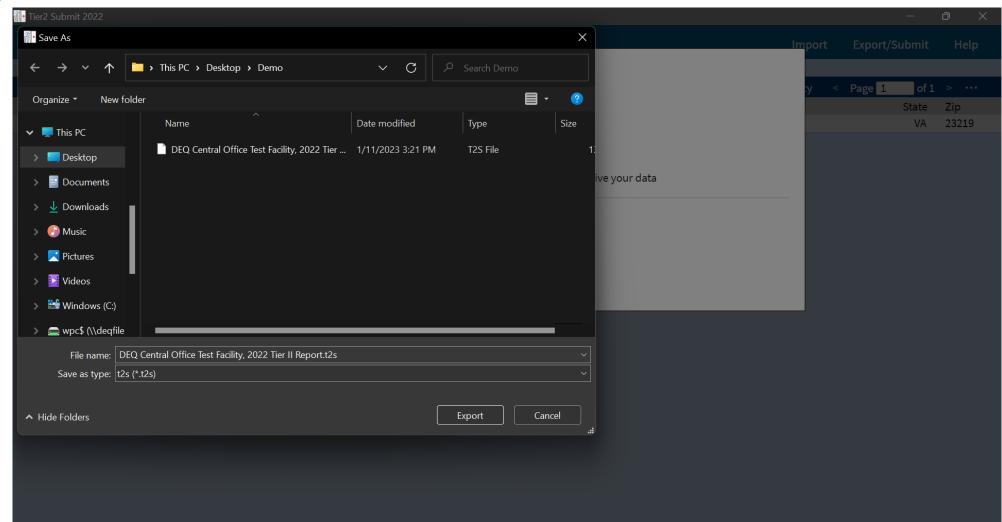
- Once you click "Export/Submit" you will be asked if you would like to create a .t2s file to submit to your state (Virginia) or if you would like to create another kind of file
- DEQ prefers the .t2s or .zip file of your report, however you can create certain other files (such as a .pdf) as needed
- If you have multiple facilities you will be able to select which facilities you would like to include in the file
- Once you have selected your desired format, click "Make File"





Creating a Submission File

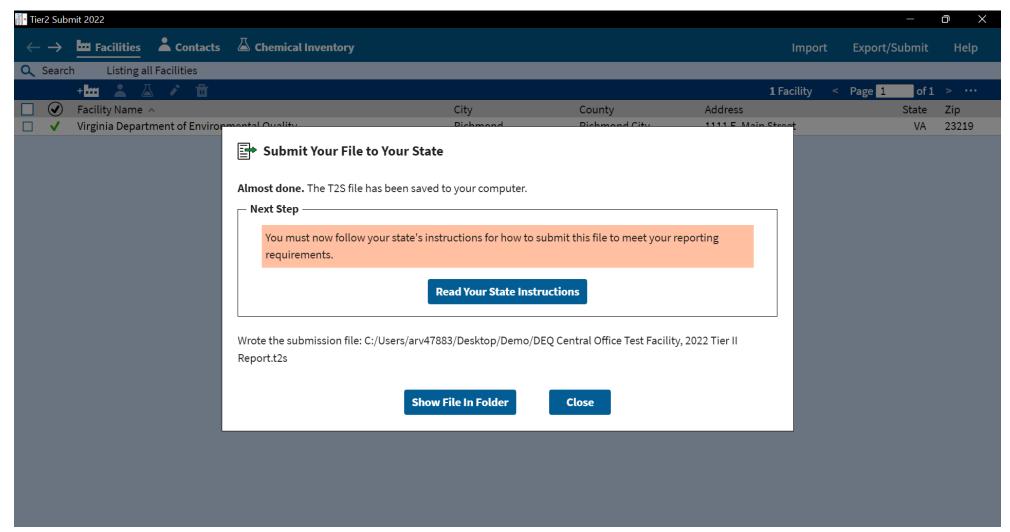
 Once your File **Explorer** screen appears, save the file as: Company Name, City, (year) Tier II Report





Submitting Your File

- Once your file has been saved, this message will appear on your screen
- To exit this screen, click "Close"





DEQ Submission Options

1. Electronic File Submission: (Preferred)

- Email the electronic .t2s file as an attachment to va-epcra@deq.Virginia.gov
- Include a signed certification statement

2. Report PDF Submission:

• Email a signed pdf of the report as an attachment to va-epcra@deq.virginia.gov

3. Hardcopy Submission

Mail a hardcopy Tier II report to:

Mailing Address:

Virginia Emergency Response Council (VERC)

c/o Virginia DEQ

SARA Title III Program Office

P.O. Box 1105

Richmond, VA 23218

FedEx/ Physical Address:

Virginia Emergency Response Council (VERC)

c/o Virginia DEQ

SARA Title III Program

1111 East Main Street, Suite 1400

Richmond, VA 23219



Questions?

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